

IMMIGRATION HEARING TESTIMONY

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Good morning _____. Thank you for calling this hearing and inviting me to testify on issues related to the McCain/Kennedy Immigration Bill.

Immigration reform is certainly one of the most important issues that our nation faces at the current time. Some media voices have questioned why one of these hearings should be held in Dubuque, Iowa, of all places. These comments betray a lack of understanding of the true dimensions of this challenge. While not as immediately impacted as cities along our nation's northern and southern borders, Dubuque does face many of the same problems as our sister cities in these locations. For this reason, I was pleased, as a Dubuque city council member and as a member of the National League of Cities Human Development Steering Committee, to participate in a three day work session in May where we hammered out a policy statement, subsequently approved unanimously by the Executive Board of the National League of Cities, on this important issue. I have submitted a copy of that resolution to be considered part of my testimony this morning. My oral remarks will link that resolution to the challenges faced by the city of Dubuque.

Dubuque, like every city in the United States, is a "city of immigrants". Founded by a French fur trader in the 18th century, Dubuque has lived under five flags through the years, ultimately being incorporated as Iowa's oldest city. In the course of the 19th century Dubuque's population soon became primarily Irish and German, and it has remained so until our very recent past. Studies done up to the late 20th century indicated that Dubuque's population was uniquely homogeneous, with very few African Americans, Hispanics, Asians, or other diverse populations. Since the 1990s, this profile has gradually changed and even though the population remains predominantly European, even western European, the city has welcomed significant numbers of new citizens, of many races and ethnic backgrounds. This has presented our community with both challenge and opportunity.

These changes in our population, while significant, have been relatively undramatic. There is not a perception that large numbers of undocumented immigrants have come here – though the assumption must be made that we do have such persons. Several religious and civic groups (notably the Archdiocesan Office for Immigration, a program for Marshallese islanders by several evangelical church groups, the Iowa State University Extension's Diversity Center and the two school districts) have managed to

keep pace with various aspects of the challenge. Thanks to these efforts the problem of immigration has not yet become a crisis, and can be approached from more long-range economic, political, and philosophical points of view rather than one that is more specifically problem oriented.

From this rather “lofty” stance it is possible for us to posit a number of local realities:

1. Like immigrants everywhere, our new Dubuque residents came here for a simple reason. They want a better life for themselves and their families.
2. The employment situation in Dubuque is currently very strong with a wide range of varied job opportunities. Businesses, however, still feel the need for a growing supply of workers who have a strong work ethic and a willingness to accept a lower rate of pay.
3. We must assume that some of our new inhabitants have illegally crossed our borders. We can tell this by the degree of anxiety they express in certain situations and by their reluctance to participate in some aspects of community life.
4. Even given this barrier, our Hispanic residents are becoming part of our community, and we find their presence enriching.
5. We do, on the other hand, see areas of potential – and even immediate concern which we believe is best addressed by a comprehensive approach including:
 - a. tighter, enforceable border security,
 - b. tighter, enforceable (and enforced) employment regulation
 - c. assistance for localities most heavily impacted by large numbers of both legal and illegal immigrants
 - d. a “pathway to citizenship which rewards those who enter the country legally and penalizes those who do not, without destroying their hopes for the future.

The National League of Cities’ policy essentially embraces the approach proposed in the McCain/Kennedy Bill and we believe that it offers the best set of solutions to this very challenging national problem as well as a guideline for Dubuque’s future in regard to this important issue.

I would like to outline briefly how the NLC policy addresses the issues that I have just mentioned.

1. We are convinced that when immigrants are admitted through a well-regulated system, they strengthen our country by creating economic opportunities, increasing America's scientific and cultural resources, strengthening our ties with other nations, fulfilling humanitarian commitments, and supporting family ties and family values. All this is necessary to build strong communities. It is not a cliché but a truism that this is a nation of immigrants. We are ALL either immigrants ourselves or descended from them. I myself am only a second generation US citizen. All four of my grandparents came here from Ireland. They settled in the Midwest and set about working to build this country. Only one of them finished grade school, but they raised fine families and built their communities' futures while building their own. Of their children, only one achieved a college degree but all achieved business and/or personal success. Of the grandchildren, all have college degrees, most have master's level degrees and several have doctorates. They have achieved very high levels of professional success and are true community builders. We in Dubuque are convinced that this new generation of immigrants will be equally successful. As we observe them, we see no reason to doubt it.
2. Being not only Dubuque citizens, but also citizens of the state of Iowa, we realize how much we need the population growth represented by immigrants who enter the country legally with a firm desire to become productive citizens. Our current immigration law inadequately addresses the growing numbers of individuals wishing entrance to the United States through a temporary work visa program or as legal permanent residents. We have also observed that many of these individuals wish to remain in the U.S. only temporarily. Ironically, our current law makes it more difficult for such workers to move easily back and forth across our borders, meeting both our need for workers and their need for work. Provided the wages paid are just, there is nothing inherently wrong with a level of employment that produces a lower level of compensation for entry level, part-time, or temporary work. Dubuque wages generally are often lower than many of us would find acceptable and we insist that, as the overall wage picture improves, our immigrant workers will benefit from this improvement.
3. The issue of illegality cuts both ways. Employers who willingly hire unauthorized workers often do so because they know they face little likelihood that the federal government will investigate, fine, or criminally prosecute them. Employers who genuinely want to follow the law often find that their employee verification efforts are hindered by the extensive and easy use of fraudulent documents. Addressing the issue of "illegality" begins with supporting employers who refuse to participate in an illegal job market. If this becomes the standard, workers will be required to

comply with the law and the number of illegal workers will be significantly reduced.

- 4 As noted earlier, Iowa needs more good, productive citizens who desire to contribute to the life of the community. Dubuque is not an exception to this rule, we stand in need of positive population growth. Those who work with immigrants in our community share with us the tragedy of families where undocumented persons have lived useful, productive, community building lives for ten years or more and live in constant fear of deportation. Millions of children have at least one, and often two, undocumented parents. Living "underground" is not conducive to healthy family life. Also, the inability of these persons to get drivers' licenses or car insurance, qualify for health insurance, or even feel free to report crime or other neighborhood problems is destructive to the cities in which they are attempting to live productive lives.

Cities are notably realistic and Dubuque is no exception. We realize that we already have some problems and accept the fact that, absent comprehensive immigration law reform, we may soon have many more. Any law that is passed must address issues such as vigorous enforcement of current law and passage of needed additional statutes which address the issue of the safety and security of our borders. This NLC policy does not call for amnesty. It does call for a rational border policy and a "pathway to citizenship" that does not reward illegal entry. At the same time, however, we need to give hope to persons who, for whatever reason or combination of reasons, did enter the country irregularly. They need to know that after they have paid reasonable penalties, fines, etc. they can move "to the back of the line" but still retain the hope of eventual citizenship.

Such a law must also protect cities from the unfair burden of becoming the default enforcers of immigration law and the uncompensated provider of all the services needed to protect both the newcomers and those whom they join in communities nationwide. State, county and local governments are feeling the financial impact of **both illegal and legal** immigrants living in their communities. This is not a burden that can simply be shifted to the local municipalities. It is a shared national problem. Any new immigration legislation needs to address this crucial issue.

Again, I want to thank the members of the committee for conducting this hearing and the others who are testifying, for their insights on this important issue. I do not claim to have become an expert on the challenge of immigration. I have, however, observed how it is working in my own city and I have participated with a broad representation of other city officials on the Human Development and Community and Economic Development Steering Committees in working out a policy that was unanimously approved by the members of the Board of Directors of the National League of Cities. In our policy we see many points of convergence with the bi-partisan McCain/Kennedy bill and urge the conference committee to work out the area of disagreement to produce a strong, comprehensive approach which will benefit all areas of our country, both rural and urban.

RESOLUTION

IN SUPPORT OF

COMPREHENSIVE IMMIGRATION REFORM

WHEREAS, historically, the cities and towns of the United States are a melting pot of multiple cultures and nationalities based on our nation's history of welcoming immigrants;

WHEREAS, when admitted through a well-regulated system, immigrants strengthen the United States by creating economic opportunities, increasing America's scientific and cultural resources, strengthening our ties with other nations, fulfilling humanitarian commitments, and supporting family ties and family values that are necessary to build strong communities;

WHEREAS, failure on the part of the federal government to secure the borders, track visa recipients in the interior, or enforce worksite laws allows illegal immigration to thrive; the numbers are the highest they have ever been, with an estimated 11-12 million residents living and working in the United States without legal authorization or proper documentation;

WHEREAS, despite increases in border security and upgrades in tracking technology, the U.S. Census Bureau estimates that approximately 500,000 people continue to enter the U.S. illegally each year;

WHEREAS, according to a report by the Immigration Naturalization Service (INS) in January 2003, more than 33 percent of the undocumented workers in the U.S. entered legally and overstayed their student, tourist, or employment visas;

WHEREAS, according to a 2005 report from the Government Accountability Office (GAO), the worksite enforcement program does not deter employers who willingly hire unauthorized workers because they face little likelihood that the federal government will investigate, fine, or criminally prosecute them; and it does not help employers who genuinely want to follow the law because their employee verification efforts are hindered by the extensive use of fraudulent documents;

WHEREAS, the lack of infrastructure and capacity at the federal level makes the federal government unable to adequately track the entry and exit of visitors and temporary workers, and it creates unacceptable application backlogs and long delays, which provide strong disincentives for foreign nationals to abide by the legal means to enter or remain in the country;

WHEREAS, the current temporary, unskilled work programs (the H2-A and H2-B visas) were used by approximately 108,000 workers in 2005, representing a small percentage of the undocumented 1.2 million seasonal workers in the United States in 2005;

WHEREAS, the current immigration system inadequately addresses the growing numbers of individuals wishing entrance to the United States through a temporary work visa program or as legal permanent residents;

WHEREAS, according to a June 2005 report, roughly 35 percent of undocumented immigrants have lived in the United States for 10 years or more, 1.6 million are children, and another 3.1 million U.S.-citizen children have at least one undocumented parent; and these families are forced to live “underground,” unable to get drivers’ licenses or car insurance in most states, unlikely to obtain health insurance, and afraid to report crimes to local law enforcement;

WHEREAS, since immigrants are barred from most federal public assistance, the burden of providing social services, education, and health care falls to the state and local governments, who are increasingly feeling the financial impact of both legal and illegal immigrants living in their communities;

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities urges Congress to move quickly to enact comprehensive reform of the current immigration laws with support of the Administration to implement the immigration laws effectively;

BE IT FURTHER RESOLVED that the federal government enforce its current immigration laws consistently and vigorously to eliminate illegal entry at the borders, visa overstays, working without proper documentation, and employing undocumented workers;

BE IT FURTHER RESOLVED that the federal government must increase enforcement of visa overstays through the full implementation and staffing of the US-VISIT and SEVIS programs;

BE IT FURTHER RESOLVED that local personnel, such as police officers, fire inspectors, educators, health personnel and social service personnel, should not be conscripted into federal service because the federal government has not adequately funded and staffed its immigration enforcement agencies; and the federal government must not transfer the responsibility of enforcing US immigration laws to local personnel by making undocumented status in the US a criminal offense;

BE IT FURTHER RESOLVED that the federal government must strengthen its worksite enforcement capacity and dramatically increase enforcement efforts at places of employment, as well as providing employers with a universal, reliable, effective, secure, non-discriminatory, and non-counterfeitable employee verification system, using the most up-to-date technology that will minimize fraud;

BE IT FURTHER RESOLVED that the federal government must increase its capacity and infrastructure to enforce the laws and provide efficient means for foreign nationals to obtain legal authorization for temporary visas or legal permanent residency;

BE IT FURTHER RESOLVED that the federal government must provide an appropriate, legal means of immigration, as is determined to be necessary and effective for the United States, for foreign nationals that want to work here temporarily, become legal permanent residents, or gain citizenship;

BE IT FURTHER RESOLVED that NLC supports establishment of a process whereby undocumented immigrants currently living in the United States may earn legalized status through payment of appropriate fees and back taxes, background checks, absence of criminal or gang activity, consistent work history, and meeting English and civics requirements; and that the immigrants who have earned such legal status should also be able to apply for citizenship through additional processes, as appropriate and practical, as long as they do not move ahead of applicants with proper documentation waiting to adjust their status or those waiting on lists in their home countries;

BE IT FURTHER RESOLVED that the federal government should provide local governments with financial and technical assistance to alleviate the local impact of new immigrants, including the costs of providing social services, health care, education, language services, and civic integration.

*Adopted by the National League of Cities Board of Directors
July 21, 2006*